

IC 34-27-3

Chapter 3. Actions for Mandate

IC 34-27-3-1

Action for mandate; scope

Sec. 1. An action for mandate may be prosecuted against any inferior tribunal, corporation, public or corporate officer, or person to compel the performance of any:

- (1) act that the law specifically requires; or
- (2) duty resulting from any office, trust, or station.

As added by P.L.1-1998, SEC.23.

IC 34-27-3-2

Complaint procedure

Sec. 2. (a) Except as provided in subsection (b), in an action for mandate, as in other civil actions:

- (1) the complaint must be verified;
- (2) the summons must be issued, or publication made, and proof of service and notice made; and
- (3) the person, body, or tribunal defendant shall:
 - (A) appear and answer the complaint; or
 - (B) suffer default.

(b) When an emergency is shown in the complaint, the court or the judge may issue an order at the time the complaint is filed, directing a shorter time for the return of the summons and for the appearance and answer of the defendant than is provided in civil cases. The return of the summons and the time for appearance must be fixed by the court.

As added by P.L.1-1998, SEC.23.

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Trial of issues; final judgment

Sec. 3. (a) An action for mandate shall stand for trial, and as in other civil actions, the court hearing the action may:

- (1) join issues of law and fact;
- (2) grant amendments, continuances, and appeals; and
- (3) render final judgments.

(b) In actions for mandate, if the finding and judgments are for the plaintiff, the court rendering the final judgment shall grant the plaintiff:

- (1) relief the plaintiff is entitled to under the law and facts in the action;
- (2) damages, as in actions for false returns; and
- (3) costs as the court directs.

As added by P.L.1-1998, SEC.23.

IC 34-27-3-4

Notice of judgment; enforcement

Sec. 4. (a) All defendants served with process or notified by publication in an action for mandate shall:

- (1) take notice of the judgment and mandate of the court in the case; and
- (2) promptly perform the mandate issued by the court.
- (b) Obedience to a judgment and mandate is enforceable by:
 - (1) attachment and fine;
 - (2) imprisonment; or
 - (3) both subdivisions (1) and (2).

As added by P.L.1-1998, SEC.23.